	Application No.	Applicant(s)
Notice of Allowability	10/748,030	ROTHMAN ET AL.
	Examiner	Art Unit	
	Tuan A. Vu	2193	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to *Applicant's response filed 3/5/07*.

2. ☒ The allowed claim(s) is/are *1-9, 11-25 (renum 1-24)*.

3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

     a) ☐ All   b) ☐ Some*   c) ☐ None   of the:

        1. ☐ Certified copies of the priority documents have been received.

        2. ☐ Certified copies of the priority documents have been received in Application No. _____ .

        3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the

           International Bureau (PCT Rule 17.2(a)).

     * Certified copies not received: _____ .

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.

5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.

     (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached

        1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____ .

     (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of

        Paper No./Mail Date _____ .

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).

6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)

2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)

3. ☒ Information Disclosure Statements (PTO/SB/08),
    Paper No./Mail Date 3/05/07

4. ☐ Examiner's Comment Regarding Requirement for Deposit
    of Biological Material

5. ☐ Notice of Informal Patent Application

6. ☒ Interview Summary (PTO-413),
    Paper No./Mail Date *5/22/07* .

7. ☒ Examiner's Amendment/Comment

8. ☒ Examiner's Statement of Reasons for Allowance

9. ☐ Other _____ .

MENG-AL T. AN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100

DETAILED ACTION

1.   Claims 1-25 are pending in the Office Action as per Applicant's response filed 3/5/07.

EXAMINER'S AMENDMENT

2.   An examiner's amendment to the record appears below. Should the changes and/or

additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR

1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the

payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with

Andrew Cameron, Reg # 50281 on 5/18/07 through 5/22/07.

3.   The application has been amended as follows:

A) The **Claims** have been amended in accordance to the herein attached Amendments

faxed by Applicant and entitled: 'Amended Claims allowing an Examiner's Amendment', dated

5/22/07.

B) In the **Specifications**:

Amend page 1 as follows,

CROSS REFERENCE TO RELATED APPLICATIONS

[0001] The present application is related to U.S. Patent Application No. 10/675,877, filed

September 29, 2003, entitled "UTILIZATION OF PLATFORM-BASED OPTIMIZATION

ROUTINES BY A COMPUTER SYSTEM," and to U.S. Patent Application No. 10/611,122,

filed June 30, 2003, entitled "PLATFORM-BASED OPTIMIZATION ROUTINES PROVIDED

BY FIRMWARE OF A COMPUTER SYSTEM," now issued as Patent Number: 7,159,105; both

of which are assigned to the Assignee of the present application.

EXAMINER'S STATEMENT OF REASONS FOR ALLOWANCE

4.   Claims 1-9, 11-25 are allowed.

The following is an examiner's statement of reasons for allowance.

The prior art taken separately or jointly does not suggest or teach the following features.

A method, or system product for implementing a method to interact with a hardware

entity, the method comprising: (i) receiving an optimized library (OL) via a network, the OL

including one optimized routine for use by an application executing on a processing system to

interact with a hardware entity of the system; and determining whether the OL is suitable for use

by the application in response to a library load request by said application; (ii) loading the OL in

the memory of processing system if the OL is suitable for use by the application; populating an

entry point table with entry for the optimized routine, the entry point for referencing location of

the routine within said memory; (iii) populating in said table an entry point of a non-optimized

routine of a non-optimized library (NOL), the NOL used to interact with a hardware entity of the

system if the OL is not suitable for the application; and advertising entry points of the entry point

table to the application; invoking the optimized routine if the OL is suitable or the non-optimized

routines if the OL is not suitable, using the entry point table's respective entry point thereof; as

recited in claim 1, 13, and 20.

Cutler et al, USPubN: 2004/0243534, discloses a ACPI table with structures having

description specifics to hardware entities of a platform, the structures being referenced to by

pointers implemented by loader program (or EFI procedure call) which is invoked to interact

with the OS kernel and Bios interfaces of the platform; and a description table to support the

pointers used by the loader program. However, Cutler does not teach retrieving from the network a optimized library (OL) and determining if the OL is suitable for the application as in (i) in response to a load request as in (ii); and providing a entry point table for entry point to both an OL and a non-optimized library (NOL) and invoking routines of the OL or the NOL based on, respectively, whether the OL is suitable or not, via advertising the OL and the NOL entry point table to the ongoing application which interacts with the hardware entity of the processing system as in (iii).

Hunt, USPN: 6,499,137, discloses a Common Object Model application interface building environment, wherein dynamic linking of server libraries is implemented via a *CoCreateInstance()* API and a COFF metafile supporting pointer reference to libraries to build and effectuate DCOM interfaces for runtime client applications. But Hunt fails to teach or suggest downloading from the network a OL to determine if the OL is suitable for use by the application to interact with hardware entity of the recipient system as in (i) in response to a request to load as in (ii); and advertising of the entry point table of both the OL and a NOL to the application for invoking the corresponding routines thereof, based on said suitability determination as in (iii).

Patankar et al, USPuBN: 2005/0021971, discloses a network based verification of downloaded resources, wherein resources such as DLLs are provided with import table being invoked by an API to provide signature validation for determining whether the DLLs are suitable for use by the OS of the recipient system in booting processes, the determination based on a list of hash list of suitable applications for a specific kernel. Patankar fails to teach or suggest determining whether the OL is suitable for use by the application in response to a library load

request by the application used to interact with hardware entities as in (ii), so to otherwise use a NOL instead; and populating a table with entry point listing pointing to the corresponding routines of both the OL and a NOL, and advertising said populated entry point table to the application for invoking the corresponding routines in the OL or the NOL based on suitability determination as in (iii).

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

5.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tuan A Vu whose telephone number is (272) 272-3735. The examiner can normally be reached on 8AM-4:30PM/Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai An can be reached on (571)272-3756.

The fax phone number for the organization where this application or proceeding is assigned is (571) 273-3735 (for non-official correspondence - please consult Examiner before using) or 571-273-8300 (for official correspondence) or redirected to customer service at 571-272-3609.

Any inquiry of a general nature or relating to the status of this application should be directed to the TC 2100 Group receptionist: 571-272-2100.

Information regarding the status of an application may be obtained from the Patent Application

Information Retrieval (PAIR) system. Status information for published applications may be

obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Tuan A Vu
May 18, 2007

/MENG-AI T. AN
SUPERVISORY PATENT EXAMINER
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